

ESTTA Tracking number: **ESTTA554771**

Filing date: **08/19/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212057
Party	Plaintiff CBS S.A. - Companhia Brasileira de Sandalias
Correspondence Address	Samantha Rothaus Gottlieb, Rackman & Reisman, P.C. 270 Madison Avenue New York, NY 10016 UNITED STATES efiling@grr.com, srothaus@grr.com, dmirman@grr.com, dmuller@grr.com
Submission	Other Motions/Papers
Filer's Name	Samantha G. Rothaus
Filer's e-mail	srothaus@grr.com
Signature	/Samantha G. Rothaus/
Date	08/19/2013
Attachments	Exhibit A.pdf(2056850 bytes) Exhibit B.pdf(185381 bytes)

EXHIBIT A



United States Patent and Trademark Office

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TSDR	ASSIGN Status	TTAB Status
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Dupé

Word Mark	DUPE
Goods and Services	IC 025. US 022 039. G & S: [Clothing, namely, shirts, pants, skirts, dresses, shorts, jackets, coats, hats, socks, boots, shoes and] slippers. FIRST USE: 20000108. FIRST USE IN COMMERCE: 20000108
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78036929
Filing Date	November 29, 2000
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 16, 2002
Registration Number	2832965
Registration Date	April 13, 2004
Owner	(REGISTRANT) Dupe S/A CORPORATION BRAZIL Loc. Lotes 9/10 - Prop.Pindoba S/N BR 408 Carpina BRAZIL 55810000 (LAST LISTED OWNER) CBS S.A. COMPANHIA BRASILEIRA DE SANDALLAS COMPANY BRAZIL PROPRIEDADADA PINDOBA, BAIRRO NOVO TEXACO ALTURO DO KM 50, LOTES 9 E 10, CAPINA, P BRAZIL BR-408
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Barbara H. Loewenthal
Type of Mark	TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,832,965

Registered Apr. 13, 2004

**TRADEMARK
PRINCIPAL REGISTER**

Dupé

DUPE S/A (BRAZIL CORPORATION)
LOC. LOTES 9/10 - PROP.PINDOBA S/N
BR 408
CARPINA, BRAZIL 55810000

HATS, SOCKS, BOOTS, SHOES AND SLIPPERS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-8-2000; IN COMMERCE 1-8-2000.

SN 78-036,929, FILED 11-29-2000.

FOR: CLOTHING, NAMELY, SHIRTS, PANTS,
SKIRTS, DRESSES, SHORTS, JACKETS, COATS,

TRICIA SONNEBORN, EXAMINING ATTORNEY

dupe'® CLÁSSICO



amarelo neon
yellow neon
amarillo neon
cód. 413



verde neon
green neon
verde neon
cód. 503



laranja neon
orange neon
naranja neon
cód. 333

col. laranja / col. verde / col. amarelo / col. verde / col. amarelo

* NEON

PARA AS QUE AMAM A MODA, A FORTE TENDÊNCIA
DOS CÍTRICOS COM PRATA



rosa neon
pink neon
rosa neon
cód. 703

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature Section

Date: March 31, 2010

Representative: 

Typed Name: Márcio Junqueira Leite

Title: Attorney

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. **Do not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.



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dupe

Word Mark	DUPE'
Translations	The wording "DUPE" has no meaning in a foreign language.
Goods and Services	IC 025. US 022 039. G & S: Slippers. FIRST USE: 20071214. FIRST USE IN COMMERCE: 20071214
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Trademark Search Facility Classification Code	LETTER-3-OR-MORE DUPE Combination of three or more letters as part of the mark NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-MISC Miscellaneous shaped designs
Serial Number	77613177
Filing Date	November 12, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 20, 2009
Registration Number	3857495
Registration Date	October 5, 2010
Owner	(REGISTRANT) CBS S.A. - Companhia Brasileira de Sandalias CORPORATION BRAZIL BR-408, Altura do KM 50,5, lotes 9 e 10 Propriedade Pindoba, Bairro Novo Texaco Carpina, Pernambuco BRAZIL
Attorney of Record	Barbara H. Loewenthal

Prior Registrations 2832965

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized form of the word "DUPE".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office

dupe

Reg. No. 3,857,495

Registered Oct. 5, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

CBS S.A. - COMPANHIA BRASILEIRA DE SANDALIAS (BRAZIL CORPORATION)
BR-408, ALTURA DO KM 50,5, LOTES 9 E 10
PROPRIEDADE PINDOBA, BAIRRO NOVO TEXACO
CARPINA, PERNAMBUCO, BRAZIL

FOR: SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-14-2007; IN COMMERCE 12-14-2007.

OWNER OF U.S. REG. NO. 2,832,965.

THE MARK CONSISTS OF A STYLIZED FORM OF THE WORD "DUPE".

THE WORDING "DUPE" HAS NO MEANING IN A FOREIGN LANGUAGE.

SN 77-613,177, FILED 11-12-2008.

NATALIE POLZER, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office



dupe[®] CLÁSSICO



amarelo neon
yellow neon
amarillo neon
cód. 413



verde neon
green neon
verde neon
cód. 503



laranja neon
orange neon
naranja neon
cód. 333

› ref / style / ref 112 • tam / size / talla 33/34-39/40

* NEON

PARA AS QUE AMAM A MODA, A FORTE TENDÊNCIA
DOS CÍTRICOS COM PRATA



rosa neon
pink neon
rosa neon
cód. 703

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: July 8, 2010

Representative: 

Typed Name: Márcio Junqueira Leite (attorney-in-fact)

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

EXHIBIT B

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85729957

Filing Date: 09/15/2012

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	DOPE
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DOPE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Third Estate LLC
DBA/AKA/TA/FORMERLY	DBA Dope Couture
*STREET	224 N College Ave
*CITY	Bloomington
*STATE (Required for U.S. applicants)	Indiana
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	47404
EMAIL ADDRESS	sales@dope.com

LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Indiana
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	On-line retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags ; Retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/06/2009
FIRST USE IN COMMERCE DATE	At least as early as 03/06/2009
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\857\299\85729957\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	Specimen showing the Applicant's physical retail location
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	The applicant claims ownership of U.S. Registration Number(s) 4075682.
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Evan Anderson
FIRM NAME	Brand Ventures Intellectual Property Law

STREET	2434 Lincoln Blvd., Floor 2
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90291
PHONE	(424) 750-9499
FAX	(424) 750-9499
EMAIL ADDRESS	evan@bviplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Evan Anderson
FIRM NAME	Brand Ventures Intellectual Property Law
*STREET	2434 Lincoln Blvd., Floor 2
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	90291
PHONE	(424) 750-9499
FAX	(424) 750-9499
*EMAIL ADDRESS	evan@bviplaw.com;trademarks@bviplaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/evananderson/
* SIGNATORY'S NAME	Evan Anderson, Esq.
* SIGNATORY'S POSITION	Attorney or record, California bar member

SIGNATORY'S PHONE NUMBER	(424) 750-9499
* DATE SIGNED	09/14/2012

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85729957

Filing Date: 09/15/2012

To the Commissioner for Trademarks:

MARK: DOPE (Standard Characters, see [mark](#))

The literal element of the mark consists of DOPE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Third Estate LLC, DBA Dope Couture, a limited liability company legally organized under the laws of Indiana, having an address of

224 N College Ave

Bloomington, Indiana 47404

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: On-line retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags; Retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/06/2009, and first used in commerce at least as early as 03/06/2009, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Specimen showing the Applicant's physical retail location.

[Specimen File1](#)

The applicant claims ownership of U.S. Registration Number(s) 4075682.

The applicant's current Attorney Information:

Evan Anderson of Brand Ventures Intellectual Property Law
2434 Lincoln Blvd., Floor 2
Los Angeles, California 90291
United States

The applicant's current Correspondence Information:

Evan Anderson
Brand Ventures Intellectual Property Law
2434 Lincoln Blvd., Floor 2
Los Angeles, California 90291
(424) 750-9499(phone)
(424) 750-9499(fax)
evan@bviplaw.com;trademarks@bviplaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /evananderson/ Date Signed: 09/14/2012
Signatory's Name: Evan Anderson, Esq.
Signatory's Position: Attorney or record, California bar member

RAM Sale Number: 11272
RAM Accounting Date: 09/17/2012

Serial Number: 85729957
Internet Transmission Date: Sat Sep 15 00:44:11 EDT 2012
TEAS Stamp: USPTO/FTK-98.148.120.177-201209150044118
46766-85729957-49079fe950f323b3d693b4267
63d96366-CC-11272-20120914223355083157

DOPE

